

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5461-01
Bill No.: HB 1520
Subject: Crimes and Punishment; Criminal Procedure; Courts
Type: Original
Date: February 15, 2012

Bill Summary: This proposal repeals the death penalty.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Department of Public Safety - Missouri Highway Patrol** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Public Defender (SPD)** state they devote significant resources to the defense of capital cases at the expense of its trial and appellate divisions. Were the death penalty to be eliminated, the resources currently devoted to those capital cases could be diverted to the trial and appellate divisions.

The resources that could be so diverted if the death penalty were to be eliminated would include:

- 17 more attorney positions;
- 4 secretary positions;
- 4 investigator positions; and
- 4 social worker / mitigation

There would also be some savings in the cost of experts, travel, and depositions associated with capital cases which are always significantly higher than that of regular cases due to the need to investigate and present the defendant's entire life history as part of the penalty phase mitigation. It's hard to estimate exactly what the difference would be, since some of those litigation expenses would continue to be necessary even if the case is non-capital. However, litigation expenses and attorney's fees paid to contract out conflict cases to private 'panel attorneys' both come out of the same appropriation. Any money no longer needed for litigation expenses due to the elimination of the death penalty would instead be used to contract out additional conflict and case overload cases.

Oversight assumes the SPD would not realize an overall savings from this proposal, but instead would reallocate resources within its operations.

Officials from the **Department of Corrections (DOC)** state in FY11 the DOC had 46 offenders awaiting execution and 35 of them have served over 10 years, the normal amount of time to go through the appeal process. A moratorium will likely increase that number over the next ten years.

DOC currently incurs a direct offender cost through incarceration (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate.) This cost would theoretically be

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ASSUMPTION (continued)

offset by the one-time cost of (\$21,150) per each offender who wouldn't be executed, although their have been no executions since 2009.

In summary, supervision by the DOC through extended incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Oversight assumes that since Missouri hasn't executed a prison since 2009, a repeal of the death penalty would not create a direct fiscal impact to the state in the three years reflected in the fiscal note.

Officials from the **Office of the Governor** and the **Attorney General's Office** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

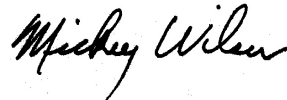
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SOURCES OF INFORMATION

Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Public Safety

Not Responding

Office of the Governor
Attorney General's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 15, 2012